IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.604 OF 2004

Shri Keshav Waman Kelkar & ors. .. Appellants

Versus

Shri Rameshwar Mahadev Devasthan & ors. Respondents

Mr.A.P.Vanarse h/f Smt.Samidha Dongre for appellants

CORAM : P.V.KAKADE, J.

DATE : 12th JULY, 2005.

P.C.:

. Heard the learned counsel for the appellants. Perused the record.

. Admit.

. The substantial questions of law involved in this appeal are as under :

(a) Whether the learned lower appellate court failed to exhibit the Kaul Chitthi of Shake Phalgun Shuddha 10, 1974 i.e. year 1853 as an ancient document prior to 30 year old under the provisions of Indian Evidence Act and by rejecting the specific application filed by the applicants to exhibit the said Kaul Chitthi?

(b) Whether the learned lower appellate court failed to consider the points and documentary evidence as mentioned in the plaint clauses 9(A) to 9(G) of the R.C.S. No.153 of 1991 by the appellants?